

No. 19-1229

ORIGINAL

In The
Supreme Court of the United States

LEE MULCAHY, PhD, pro se

Petitioner,

v.

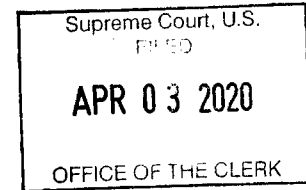
ASPEN SKI COMPANY ("Skico")

Respondent.

**On Petition for Writ of Certiorari
To The Colorado Court of Appeals**

PETITION FOR WRIT OF CERTIORARI

LEE MULCAHY, Ph.D., Pro Se
53 Forge
Aspen, CO 81611
(970)429-8797
leemulcahyphd@gmail.com



QUESTIONS PRESENTED

1. Is the banning from ski lift operations on public lands during Plaintiff's distribution of a unionization flyer promoting a living wage a violation of free speech protections guaranteed under the 1st amendment and the Colorado's const. Article II, Section 10?

LIST OF PARTIES

All parties are listed in the caption.

RULE 29.6 STATEMENT

None of the petitioners is a nongovernmental corporation. None of the petitioners has a parent corporation or shares held by a publicly traded company. The Defendant, Aspen Skiing is a corporation.

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
LIST OF PARTIES.....	ii
TABLE OF AUTHORITIES.....	vi
OPINIONS BELOW.....	1
STATEMENT OF JURISDICTION.....	1
CONSTITUTIONAL PROVISIONS INVOLVED..	2
STATEMENT OF THE CASE.....	2
A. Statement of facts.....	3
REASONS FOR GRANTING THE WRIT.....	6
I. Flyer is protected free speech under the National Labor Relations Act (1935). The district court erred in never ruling on motions whether the flyer was protected free speech avoided declaring that the action (the entire ban) was retaliation against protected free speech, a clear violation of public policy....	6

II. Retaliation against protected free speech

is illegal..... 9

A. Relevant facts..... 10

B. Affidavit..... 13

APPENDIX

APPENDIX A

November 29, 2018 Case No. 2017CA1010 Colorado
Court of Appeals (No. 17CA1010 Pitkin County District
Court No. 12CV97) Judgment
Affirmed.....App.1

APPENDIX B

October 3, 2012. Case 2012CV97 District Court, Pitkin
County, Colorado order on defendant Skico's motion
to dismiss in plaintiff's favor.....App. 18

APPENDIX C

August 19, 2019 COLORADO SUPREME COURT No.
19SC100 (Court of Appeals Case No. 17CA1010)
Petition for Writ Of Certiorari DENIED. EN
BANC.....App.23

TABLE OF AUTHORITIES

	Page
CASES	
<i>Bock v. Westminster Mall Co.</i> , 819 P.2d 55 (Colo. 1991).....	8
<i>Bradford v. Textile Workers of America, AFL-CIO</i> , 563 F.2d 1138 (4th Cir. 1977).....	10
<i>Elrod v. Burns</i> , 427 U.S. 347 (1976).....	9
<i>Holder v. City of Allentown</i> , 987 F.2d 188 (3rd Cir. 1993).....	10
<i>Mt. Healthy City School District Board of Education v. Doyle</i> , 429 U.S. 274 (1977).....	9
<i>Pickering v. Board of Education</i> , 391 U.S. 563 (1968).....	8
<i>Ridpath v. Board of Governor's Marshall Univ.</i> , 447 F.3d 292 (4th Cir. 2006).....	10
<i>Shelton v. Tucker</i> , 365 U.S. 479 (1960).....	9

CONSTITUTIONAL PROVISIONS

U.S. Constitution, First and Fourteenth

Amendments..... 7,8

STATUTES

42 U.S. Code § 1983..... 3

National Labor Relations Act (1935).....3,6,7

OTHER AUTHORITIES

Slavoj Zizek, *Living in the End Times*, London,
Simon & Schuster (2011)..... 12

Bob Tamarkin, *New York Times*, Dec. 7, 1986.
<https://nyti.ms/38IjB00> 10,11

NBC News, January 9, 2017.
<https://nbcnews.to/2wY1fKG>..... 12

PETITION FOR WRIT OF CERTIORARI

Lee Mulcahy respectfully petitions for a Writ of Certiorari.

OPINIONS BELOW

The denial of my writ of certiorari by the Colorado Supreme Court and the unpublished opinion of the Court of Appeals is unreported and found at Appendix A and B.

The initial order of Pitkin County district court judge Thomas Össala is found at Appendix C.

STATEMENT OF JURISDICTION

The Colorado Supreme Court denied the petition for writ of certiorari on August 19, 2019. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. Amend. I, which in pertinent part, provides: "Congress shall make no law . . . abridging the freedom of speech...."

U.S. Const. Amend. XIV, § 1, which in pertinent part, provides: "No State shall ... deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

On April 16, 2012, I brought this action against Skico asserting a claim that Skico's ban, instituted when a Vice President interrupted me passing out flyers* on public lands and summoned me to headquarters, was illegal and unconstitutional. (R.CF,

pp.1-16) (*Published in both local newspapers) For most of the proceedings, I represented myself. I am an artist, not a lawyer. On February, 27, 2015, Ty Gee of the law firm of Haddon, Morgan & Foreman, P.C. entered his appearance on my behalf. (R.CF, p. 652) On March 26, 2015, an amended complaint was filed adding the complaints of malicious prosecution and abuse of process asking for a jury trial, previously removed by the Judge. (R.CF, pp. 672-690) On July 26, 2015, the trial court issued its order dismissing the 2nd, 3rd & 4th claims for relief in the amended complaint.

Three motions requesting declaratory judgment were filed, all by me. (R.CF, pp. 310-15, 1189-90, 1383-87). After I could no longer afford attorney representation, on December 2, 2015, the jury was struck for the second time. (R.CF, 1174-1179) Subsequently, the depositions of Skico's CEO and upper management were entirely suppressed from public view. (R.CF, 1147-48) Two motions for disqualification of the judge were filed and both were denied. (R.CF, 1038-48, 1448-58)

On April 6, 2016, the trial court issued its order on the pending motions and summary judgments. The court declined "to address Mulcahy's Motions for Declaratory Judgment concerning the flyer he distributed in 2010" stating that "determination of that issue is not necessary to resolve the question before the Court on summary judgment." (R.CF, p. 1410)

Colorado's court of appeals affirmed the lower court on November 29, 2018 and subsequently denied a rehearing on January 31, 2019. Additionally, Colorado's supreme court denied certiorari on August 19, 2019.

Statement of Facts

In August, 2010, after Skico had reprimanded me for a letter to the editor and had surreptitiously and unlawfully deleted hours from my timesheet, I sent an email to my fellow members of the Diamond Pros, an elite group of ski instructors employed by Skico, inquiring about those individuals' interest in unionizing. In the August 1, 2010 email, I noted the low wages Skico pays to entry-level instructors, and suggested that the Diamond Pros help improve those instructors' wages. (R.CF, p. 674) After learning about the email to the Diamond Pros, Skico reprimanded me on August 12 and removed me from the Diamond Pros on August 20, 2010.

In October 2010, I filed a grievance with the National Labor Relations Board ("NLRB") alleging Skico violated the National Labor Relations Act ("NLRA") by removing hours worked from my timesheet and taking adverse action against me for trying to unionize Skico employees. (R.CF, pp. 676) The NLRB later found Skico violated the NLRA and required Skico to change its operating structure and revise its freedom of speech policy.

In the fall of 2010, I formed a group called People for a Living Wage. The group's mission was to encourage Skico and other Aspen employers to pay wages commensurate with the high cost of living in Aspen, and to advocate for unionization of employees. On December 30, 2010, I distributed flyers encouraging attendance at a meeting of People for a Living Wage on both private and public lands leased by Skico. During my distribution, I was confronted by Skico Vice President of Human Resources Jim Laing, summoned to Skico headquarters, and was told that my 15 year employment was suspended and I was permanently banned from all Skico property owned, leased or otherwise controlled by Skico. (R.CF, pp. 12, 16, 60-62, 675).

On April 16, 2012, I filed the initial complaint pro se in district court, having previously filed it in county court by mistake. (R.CF., pp. 672-79, 730-32) Previously, acting pro se I served Skico with notice of the instant action by taping a copy of the *county* court complaint to a side door of the building in which Skico's headquarters are housed, which opened onto a parking lot clearing displaying signs reading "No Skico Parking." I did not enter Skico property; however, Skico contacted law enforcement and had me arrested for criminal trespass carrying a maximum sentence of six months. Skico caused criminal trespass proceedings to be initiated against me to abandon the instant litigation, to damage my reputation in the

community, to harass me and to chill the speech of Skico's employees and our community. Nine months later, the district attorney's office later dismissed the case after learning that the side communal door to which I taped the complaint and its adjacent area were not Skico's property. (R.CF, p. 672-75, 676, 860-64)

The town of Aspen, Colorado, an idyllic paradise of 6800 residents, is dominated by its largest employer, the Aspen Skiing Company. Skico and its principals and officers wield extraordinary power and influence on public officials and others. (R.CF, pp. 60-67, 672) The company employs over 4500 people in a town with a population of 6788 . (R.CF pp. 1386, 1456)

The company is owned by the infamous Chicago billionaire Lester Crown and his family, a man who was caught and later in court admitted to bribing public officials. The Crown family owns the largest percentage of weapons maker General Dynamics. Mr. Jim Crown is chair of the Aspen Institute's board of trustees of which the presiding district court judge admitted in court to being a member for over a decade. (R.CF, pp. 60-68, 1386, 1456) Indeed, Aspen is a modern version of an Appalachian coal mining company town. (R.CF, pp. 60-67)

On matters relating to employment practices in and around the Aspen area, Skico is thin-skinned and highly protective of its interests. As exemplified by its conduct, Skico moves quickly and preemptively to

shut down speech critical of Skico or speech supporting or containing political content it disagrees with. Because of its power and influence (Skico was declared guilty of monopolist actions by the Supreme Court when it was only three mountains before purchasing the fourth and previously only independent mountain), Skico can effectively silence political activists by depriving them of an economic livelihood in the Pitkin County area. (R.CF, pp. 60-67, 672, 1456-7)

^

REASONS FOR GRANTING THE WRIT

I. Flyer is protected free speech under the National Labor Relations Act (1935). The district court erred in never ruling on motions whether the flyer was protected free speech avoided declaring that the action (the entire ban) was retaliation against protected free speech, a clear violation of public policy.

I requested motions for declaratory judgment on whether the flyer was free speech three separate times to little or no avail. (R.CF, pp. 310-15, 1189-90, 1383-87) Skico argued that this question of protected free speech "bears questionable relevance to the remaining issue in this case as to whether ASC (Skico) may legally exclude the Plaintiff from its property." (R.CF, p. 1203) Had the district court declared the flyer

protected free speech, a reasonable jury would have been able to determine that Skico's immediate action (Skico's ban instituted during the flyer distribution) was entirely retaliatory.

In its April 6, 2017, order on summary judgment motions, the district court declined to address Mulcahy's motions for declaratory judgment concerning the living wage unionization flyer; however, the union flyer was part of activities and protected free speech covered under the National Labor Relations Act, section 7. The district court stated that "determination of that issue is not necessary...." (R.CF, p. 1410). This faulty reasoning allowed the district court to allow some aspects of the ban to remain; rather than declare the entire ban as a retaliatory measure. (R.CF, pp. 1396-1411)

In broad terms, the First Amendment protects the right to be free from government abridgment of speech. Retaliation for the exercise of First Amendment rights is a blackletter constitutional violation. In fact, an act taken in retaliation for the exercise of a constitutionally protected right is actionable under the law (42 U.S. Code § 1983 - Civil action for deprivation of right) even if the act, when taken for a different reason, would have been proper. To succeed on a First Amendment retaliation claim, courts have determined that a civil-rights plaintiff must demonstrate three things. First, the plaintiff

engaged in protected conduct. This means that the plaintiff's speech or expression was the type traditionally covered under the First Amendment. Second, an adverse action was taken against the plaintiff that would deter "a person of ordinary firmness" from continuing to engage in that speech or conduct. Third, there is a cause-and-effect relationship between these two elements, i.e., the adverse action was motivated at least in part by the plaintiff's protected conduct.

Secondly, the Colorado Supreme Court has long recognized that it is free to give broader protection under the Colorado Constitution than is accorded by the U.S. Constitution. It has, in fact, done so with certain state constitutional rights, including freedom of speech. See *Bock vs Westminster Mall Co.*, 819 P.2d 55 (1991) at 59-60 (finding that Colorado's free speech provision in our state constitution, Article II Section 10 provides greater protection than the First Amendment).

In order to safeguard vital first amendment freedoms at stake, the Supreme Court declared that the plaintiff should initially carry the burden of establishing only: 1) that he engaged in speech or conduct that is "arguably" protected because the speech or conduct falls within the scope of the first amendment; 2) that the first amendment incident was a motivating factor in the alleged retaliatory action. *Pickering v. Board of Education*, 391 U.S. 563 (1968);

Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977) Both are the case. Had the district court declared the flyer as a protected concerted activity under the National Labor Relations Act of 1935 or our state constitution, Skico would have been required to justify the suppression of speech with compelling reasons which it could not have done.

Numerous Supreme Court decisions have recognized the critical weight that should be accorded first amendment rights in our society. *Shelton v. Tucker*, 364 U.S. 479 (1960); *Elrod v. Burns*, 427 U.S. 347, 362 (1976) The ban from skiing and hiking on thousands of acres in both Aspen and Snowmass from public lands of a union organizer has had a chilling effect on the protected rights of the nearly 4500 employees of Skico in a small town with a population of 6788. (R.CF, p. 12) The same reasoning applies here. This Court should order the district court to reconsider the motions on declaratory judgment as to whether the flyer was protected free speech.

II. Retaliation against protected free speech is illegal.

The prohibition against chilling free speech derived from the prohibition against retaliation. The hurdles faced by the employee who is fired because of protected speech are not invisible to the employee who is deciding whether to speak up. An employee who considers whether to blow the whistle on their

employer for unlawful conduct or to advocate unionization among her coworkers, but who fears he/she may lose her job or be banned from riding ski and bike lifts in national forest with no readily available means of redress, is likely to be deterred from speaking. Notwithstanding the formal prohibition of retaliation against certain kinds of speech, we should expect reasonable employees to be "chilled" from speaking freely when it may put their jobs at risk or worse. (*Bradford v. Textile Workers of America, AFL-CIO*, 563 F.2d 1138 (4th Cir. 1977); *Holder v. City of Allentown*, 987 F.2d 188 (3rd Cir. 1993); *Ridpath v. Board of Governor's Marshall Univ.*, 447 F.3d 292 (4th Cir. 2006))

Accordingly, *Pro Se* petitioner respectfully requests that this Court grant my Petition for Writ of Certiorari or in the alternative, that an order be entered for a trial by mortal combat between petitioner and Mr. Jim Crown, owner of Aspen Skiing and weapons maker General Dynamics.

Relevant facts

1. Chicago billionaire Lester Crown controls one of America's largest fortunes. The New York Times writes:

"On the face of it, the issue seemed less than monumental: the Pentagon was seeking to revoke a businessman's top-secret security clearance. The

significance lay in the nature of the evidence, the financial and political stakes involved and the identity of the accused: 61-year-old Lester Crown, head of the billionaire Chicago family that controls America's largest defense contractor, the General Dynamics Corporation. Among those who appeared or offered affidavits in his behalf: Three former Secretaries of State, two former Secretaries of Defense, and former Secretaries of Treasury and Commerce. Henry Kissinger praised Crown's 'extraordinary probity.' Robert McNamara had 'every confidence in his integrity.' David Packard, co-founder of the Hewlett-Packard Company and head of a Presidential commission that had just recommended sweeping changes in the organization of the Defense Department, vouched for his 'trustworthiness.'"

2. Consequently, it has been very difficult to obtain legal counsel. No one wants to take this case on even with a paid retainer. The Crowns entertain Supreme Court justices in their homes and tweet out their photos. No one wants to tackle this family. The last bastion of a free society is the ability to criticize our masters.

3. The billionaire Crowns have destroyed me legally. My family is being evicted from the home we built over five years and have never been late on taxes. I have nothing to lose. Dubbed the “Elvis of cultural theory” and “the most dangerous philosopher in the West,” researcher at the Department of Philosophy of the University of Ljubljana Faculty of Arts, International Director of the Birkbeck Institute for the Humanities of the University of London., and also Global Eminent Scholar at Kyung Hee University in Seoul, Slavoj Zizek stated: “In politics, we have authentic enemies. Everyone should not be respected in politics and so on. Politics is a real struggle of life and death.” Recently, a man asked an Iowa judge to let him engage in a sword fight with his ex-wife and her attorney in a trial by combat that will settle their ongoing legal dispute.

4. This Court has the power to let the parties resolve our disputes on the field of battle, legally. Trial by combat has never been explicitly banned or restricted as a right in the United States. Mr. Jim Crown’s General Dynamics has manufactured the weapons that have caused the death of many innocent women and children throughout the world. His “best friend,” President Barack Hussein Obama bombed seven Muslim countries in 2016 alone. See <https://www.nbcnews.com/news/world/u-s-bombed-iraq-syria-pakistan-afghanistan-libya-yemen-somalia-n704636>

5. *Pro Se* petitioner respectfully requests this Court to restrict Mr. Crown from using any of his own bombs, guns or tanks and restrict him to utilizing Japanese samurai swords in our Court ordered trial by mortal combat. In addition due to the coronavirus epidemic, I respectfully request 52 weeks so that we can both secure Japanese samurai swords.

6. I believe I have met Skico's absurdity with my own absurdity. Mr. Crown can choose any of the many Chicago, Denver or Aspen attorneys of the three separate firms he has chosen simultaneously to employ during the course of this lawsuit as his stand-in, including the husband of the current assistant attorney of the City of Aspen or even Ed Ramey, the free speech expert teaching at the University of Colorado, to stand in for him.

AFFIDAVIT

STATE OF COLORADO
COUNTY OF PITKIN

Lee Mulcahy, being duly sworn, deposes and states as follows:

I, Lee Mulcahy, state the following:

1. I am an Eagle Scout and have volunteered thousands of hours for my community. Our Sheriff

believes that the ban is not American. My paintings are in and have been shown in museums in both Berlin and Nairobi and galleries all over the world including Aspen, Carbondale, Prague and Beijing. I am not an attorney. Before I initiated this lawsuit, I challenged Mike Kaplan, Skico's CEO to this ski-off:

Dear Mike,

Despite our differences, we both love the community our town creates. Although I have to ROFL when the local dukes and countesses line up to pay 10K to meet barefoot Michelle Obama at the castle General Dynamics built four blocks from my house. Rome in the 4th Quarter or Versailles?

These days our politicians are just boring blowhards; whereas, our Revolutionary forefathers deeply respected a good fight. One of the more famous duels back in the day occurred when Vice President Burr fatally wounded former Secretary of Treasury Hamilton in a High Noon shootout.

Taking inspiration from the Roger Marolt/Aspen Times and Lo Semple/Aspen Daily News current challenge: Why not a Mulcahy/Kaplan flip-off at the base of Aspen? Set up bleachers & the whole town could come...you'll need to use the Little Nell suite above Ajax Tavern as a VIP section for your crowd. Cheerleaders?—would

Paula (Crown) bring pom-poms and go all Dallas Cowboys for you?

It'll be hilarious: CEO vs. peon; big money vs. white trash; Chicago North Shore vs. Fort Worth, Texas; Audi driving Master of the Skico Universe vs. pick-up driving Skico whistleblower; Aspen Institute green "limousine liberal" vs. "Don't tread on me" NRA/Tea Party occupier; Castle Creek free market Denver University MBA vs. Burlingame public housing union organizing Sorbonne-attending PhD; Ski vs. snowboard; 1% vs. 99%.

How 'bout a moguls contest on AH's Scarlett's instead of all this legal stuff we'll go through next? Man to man. The Old Guard of Aspen would love it and so in line with our local history. But if I win, Skico has to pay more than \$9.25/hr. You call a "living wage" here and ... I get my job back. Full disclosure: I was freestyle aerial certified. But I'll even flip on a snowboard and you can use those skis Roger Marolt pokes fun of you about.

These protests all over the world have the same message: Hey, 1%! Be fair and treat us with dignity.

And that's the paradox of the public space, everyone may kind of know something unpleasant, but once someone says it, it changes everything. Therefore, I cannot resist:

Paula Crown, graduate candidate at the Art Institute of Chicago, is on President Obama's arts council. Michelle has lunch at Paula's palace. General Dynamics and JP Morgan Chase are very prosperous.

What was that Dan Sheridan song Paula had banned? "Big Money Ruins Everything"?

28th amendment to get the money out of politics anyone?

So back to skiing, Mike, are you in?

2. The American people are no longer partners of the government. We are subjects.

3. The American dream is disappearing as little people lose faith in our institutions and our justice system.

4. The politicization of our justice system continues unabated.

5. America was born out of an act of treason. While many in Aspen may not agree with my libertarian politics or conservative anti-government beliefs, the freedom to dissent is one that we all should cherish. Whether you are an Occupy Wall Street protester or an anti-government Tea Partier in the mountains, your right to protest and live in peace deserves the respect of our government and all that live under it.

6. Skico has sought to make an example for anyone else attempting to make them obey state and

federal labor laws. Their Vice President complained to the newspaper that the National Labor Relations Act was a tired "old law" that was not relevant to today's current conditions. The NLRB forced Skico to sign settlements with me in 2011. My neighbors say that in Aspen everyone knows that "you cannot criticize the Crown family" (nee Krinsky.) Why? Because the Crowns own General Dynamics. Lester Crown's bribery of public officials and continually getting caught lying about his involvement in this felony has been the subject of numerous articles in both the *Chicago Tribune* & *New York Times*.

7. District Judge Chris Seldin admitted in court that he was a member of the Aspen Institute's Lester Crown Society of Fellows for over a decade. Colorado's court of appeals wrote that "the judge was a member of the Society of Fellows of the Aspen Institute periodically over a fourteen-year (14) period...." Annual membership, which promises "access," begins at \$2500.00. To many Americans, an annual \$2500 donation by an assistant county attorney to an organization controlled by out of state billionaires for over a decade would indicate "bias." Not according to our justice system: It's just like the police. When the system investigates itself, nothing happens. Furthermore, Lester's son, Jim, is President of the Aspen Institute's board. Former President Obama describes Jim and his artist wife, Paula, as his "best friends." Several local judges declined to

declare the flyer as “protected free speech” despite multiple requests. No one wants to cross the Crown. Why did the court sit on the case for years and multiple judges refuse to declare the flyer as “protected free speech?” Retaliation against protected free speech is illegal.

8. Once local politician Chris Seldin was appointed judge in Aspen by the Democratic governor, the Democratic machine that has held power for decades moved to have me evicted from the home my family built with our own hands. Previously, the Aspen Institute’s attempted restraining order against me went to the Colorado Supreme Court and the Judge Seldin’s beloved Aspen Institute lost. When you sue a powerful billionaire in America, expect to be the defendant on allegedly unrelated lawsuits. Colorado’s history on judicial rulings for labor activists has been well documented and frankly, sad. We are grateful to God and the community for their love and support, especially the Gorsuch’s and Father John Hilton. Perhaps, local politician *cum* assistant Pitkin County attorney *cum* judge Chris Seldin believes that in the United States of America if you punish a whistleblower, you’ll be rewarded. Phillip Taft and Phillip Ross, both scholars of American labor violence concluded that “there is no episode in American labor history in which violence was as systematically used by employers as in the Colorado labor war of 1903 and 1904.” In these battles between labor (little people)

and capital, between miners and mine owners, the state government with one exception sided with capital. And so it continues.

9. Tribalism in humans runs deep. My family volunteers our time and resources with our church providing clean water wells and humanitarian aid in Kenya where there are 42 tribes. Here in the United States, some state America has two main tribes: the Republicans and the Democrats. The Democrats control Aspen, its city council and board of county commissioners which have blocked all hearings, settlements and mediation. The Mulcahy's are Tea Party Republicans. The weaponized combination threatens the very liberty that Americans fought a revolution to secure. American historian Gary Gerstle warns that the fracture between Democrats and Republicans over the proper reach of government constitutes an unbridgeable chasm and may portend to the nation's decline.

10. Out of state owner of Aspen Ski Lester Crown and his Judge Chris Seldin are Jewish. My family feels crucified by both. History shows tribalism is destructive. I would note that my family in the spirit of community put my Father's name on the first and second floors of the Jewish temple on Main Street of Aspen in the spirit of community. Both local rabbis signed our petition for a public hearing on the political eviction of our family from the home* we built ourselves. We presented over 2000 signatures to

Aspen's city council and Judge Seldin. *We have never been late on taxes.

11. Justice Brandeis stated in his dissent in *Olmstead v. United States*:

“Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy.”

Subscribed and sworn to before this 3rd day of February , 2020.

I am duly authorized under the laws of the State of Colorado to administer oaths.

____s/Kat Bennett_____

Notary Public

Katherine V. Bennett, Notary Public, State of Colorado,
Notary ID #20194040681 My commission expires
October, 24, 2023.

For the foregoing reasons, petitioner Lee Mulcahy respectfully respects that this Court grant his Petition for Writ of Certiorari.

Respectfully submitted,

Lee Mulcahy, *Pro Se*

53 Forge Rd., Aspen CO 81611 970.429.8797

February 3, 2020

leemulcahyphd@gmail.com